

A copy is enclosed. Also enclosed is a copy of a return receipt post card, showing receipt of this document on June 11, 2001. However, the Office Action of December 26, 2001 makes no mention of this Information Disclosure Statement. Accordingly, it is respectfully requested that the Examiner consider the references, if this has not already been done, initial the form PTO 1449, and include a copy with his next communication. The references will be supplied on request.

The rejection of Claims 1-16 under 35 U.S.C. 102(a) as being anticipated by, or in the alternative, obvious over, Jusaitis et al., is respectfully traversed. It is respectfully submitted that Jusaitis et al. does not teach or suggest Applicants' invention as set forth in independent claims 1, 15 and 16.

Applicants' invention, as set forth in independent device claim 1, method claim 15, and system claim 16, is directed to a device, or method, or system having a means for removing contaminants from a liquid. The means for removing is adapted to be releasably supported upon a wall member of a compartment having beverage ingredients therein. Further, the removing means is separated from the ingredients. In order to fully appreciate the nature of Applicants' invention, a short discussion is in order.

In accordance with the prior art, the process of producing a beverage starts with a liquid which is used to form the beverage. This liquid is then exposed to the beverage ingredients. After such exposure, the liquid contains beverage ingredient material picked up or extracted from the beverage ingredients. This combination

is the final beverage product, which in fact is different than the liquid, which initially does not have any of the ingredient material, but after coming into contact with the beverage ingredients, does have such material contained therein. An example of this prior art approach is found in the hot water falling onto the coffee grounds in a basic drip coffee maker.

Jusaitis et al. teaches a filter for final products. The apparatus of Figures 4, 5 and 7 of Jusaitis et al., in sharp contrast to Applicants' invention, is most definitely used to filter final products, such as brewed coffee. Thus, the beverage liquid, which is generally water, has already come in contact with the brewing ingredients (ground coffee beans) and thus contains portions of the brewing ingredients. In particular, Jusaitis et al. specifically states that the filter is adapted to separate immiscible liquids in beverages such as coffee or tea and other consumable materials such as soups and gravies from the product which is to be consumed. In particular, in coffee, coffee bean oils may be removed.

Thus, it is clear that in Jusaitis et al. the filter is not separated from the ingredients, but comes into contact with those portions of the brewing ingredients which are contained in the beverage. This is in sharp contrast to, and actually teaches away from, Applicants' invention wherein the means for removing is separated from the ingredients. This is particularly significant in that the means for removing of Applicants' invention may be used repetitively to filter the liquid used to make the beverage, because it is not exposed to the final beverage

product. In fact, by being removed from the beverage ingredients, whether contained in the final product or in the compartment having the beverage ingredients, the filter remains relatively clean and can function to remove contaminants from the liquid for an extended period of time. Furthermore, the means for removing of Applicants' invention removes contaminants from the liquid used to make the beverage before the beverage is made, thus protecting the beverage from contamination by the beverage ingredients or portions thereof contained in the beverage produced. These advantages are not even remotely possible with the device or any method of Jusaitis et al.

In summary, Applicants' invention is directed to a broadly classified removing means or filter that has the effect of removing contaminants by absorption from a fluid stream, such as water prior to forming the brewed beverage. It is focused on removing potentially harmful contaminants, prior to allowing the final brewed beverage to be made.

In stark contrast to Applicants' invention, Jusaitis et al. is directed to a post product device which has, as its sole focus, the absorption of oils and other immiscible organic materials on a cloth material. This device is claimed as a "filter-like device" which is completely different from Applicants' invention in purpose, function and placement. Whereas Applicants offer a full service contaminant filter, Jusaitis et al. offers a limited oil and immiscible organic materials fabric filter. Applicants' removing means or filter does not even use a fabric material for construction. Whereas Applicants'

filter purifies the water from potentially harmful contaminants before mixing with the brewing ingredients to provide a better feedstock for the final brewed product. Jusaitis et al. only operates after the fact, to remove a limited class of non-harmful impurities from the post product stream. Thus, Applicants' device and that of Jusaitis et al. are completely different, have no similarities, and possess no overlapping technologies, nor are capable of producing the same products. Jusaitis et al. simply can not render obvious Applicants' invention, as set forth in claims 1, 15 and 16.

In view of the above, it is respectfully submitted that claims 1, 15 and 16 are directed to patentable subject matter.

The remaining claims each depend from one of independent claims 1, 15 and 16. These claims recite additional limitations, which in combination with the independent claim from which they depend, are not shown or suggested in the art of record.

Claims 4 states that the means for removing comprises a plurality of outwardly extending protrusions adapted to be releasably supported upon the wall member. Further, as specifically recited in claim 5, these protrusions are flexibly connected to the means for removing. Jusaitis et al. does not teach or suggest flexible protrusions. The advantages of this structure in allowing positioning below the compartment rim, and above the ingredients, are set forth in the specification on page 7, lines 21 to 24.

Claim 6 recite that the removing means comprises a handle. Further, claim 7 recite that the handle is releasably attached to said means for removing. Jusaitis et al. is completely silent concerning any releaseability of the handle. This is not obvious over Jusaitis et al.

Claim 12 recites that the filtration medium is heat sealed to the supporting structure. Further, claim 14 specifies that the supporting structure is insert molded around the filtration medium. These limitations are not shown or suggested in Jusaitis et al.

Newly added claims 17, 24 and 31, which depend from claims 1, 15 and 16, respectively, recite that the means for removing is supported at a position in the compartment so that said means for removing does not come into contact with the ingredients. These claims distinguish from Jusaitis et al. in two respects. First, the filter of Jusaitis et al. is not supported in the compartment having beverage ingredients. Further, the filter in Jusaitis et al. does come into contact with the beverage ingredients because it filters the final beverage product. This is not the case for the present invention, where it is not the final beverage product, but the liquid used to make the beverage which is filtered. Thus, it is respectfully submitted that claims 17, 24 and 31 are directed to patentable subject matter.

Newly added claims 18, 25 and 32 specify that the means for removing is supported above the ingredients. The location of the filter of Jusaitis et al. is never one where it is supported in this position. In fact Jusaitis

et al. actually teaches away from these claims, which depend from claims 1, 15 and 16 respectively, in that the filter, of Jusaitis et al. is always located below the beverage ingredients. Thus, it is submitted that claims 18, 25 and 32 are directed to patentable subject matter.

Newly added claims 19, 26 and 33 state that the means for removing is supported at a position so as to remove contaminants from the liquid before the liquid contacts the ingredients. Jusaitis et al. actually teaches away from Applicants' invention as set forth in these claims. Specifically in Jusaitis et al. the liquid contacts the beverage ingredients and picks up beverage ingredient material. It is only then that the liquid, which is the final beverage product, comes in contact with the filter of Jusaitis et al. This is diametrically opposed to the present invention wherein the liquid used to make the beverage is filtered before it comes in contact with the beverage ingredients. Thus it is submitted that these claims are clearly patentable over Jusaitis et al.

Claims 20, 27 and 34 state that the means for removing is supported so as to be separated from the liquid after the liquid has come in contact with the ingredients. Again, this is in sharp contrast to Jusaitis et al. wherein the liquid specifically comes into contact with the filter after it is in contact with the ingredients. Thus, Jusaitis et al. specifically teaches away from claims 20, 27 and 34.

Claims 21, 28 and 35 state that the means for removing is supported so that the liquid contacts the means for

removing only prior to the liquid coming into contact with the ingredients. For reasons similar to those stated above, in that in Jusaitis et al. the liquid comes into contact with the removing means after coming into contact with the ingredients, it is respectfully submitted that claims 21, 28 and 35 are directed to patentable subject matter.

Claims 22, 29, and 36 state that the means for removing is supported so that the liquid does not contact the means for removing after the liquid has contacted the ingredients. Again, Jusaitis et al. teaches exactly the reverse. Thus claims 22, 29 and 36 are also directed to patentable subject matter.

Newly added claims 23, 30, and 37 state that the liquid is water and that the means for removing removes the contaminants from the water. This is in sharp contrast to Jusaitis et al. wherein it is not water from which the contaminants are removed. Instead contaminants are removed from the final product. Thus, it is submitted that claims 23, 30 and 37 are also directed to patentable subject matter.

In view of the above, and in view of the reasons set forth with respect to independent claims 1, 15, and 16, it is submitted that the dependent claims discussed above are also directed to patentable subject matter. Accordingly, reconsideration and allowance of the claims in this application are respectfully requested.

If any issue remains that can be resolved by telephone, the undersigned and the Applicants would greatly appreciate a call by the examiner to the undersigned at the telephone number set forth below.

Applicants petition for a one month extension of time in which to file a response to the office action. A check for \$208 is enclosed for the extension fee (\$55) and the fee for the presentation of 17 extra claims above 20 claims (\$153).

Respectfully submitted,

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David Aker, Reg. No. 29,277

APRIL 26, 2002

Date

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